

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOWARD HENRY,

Plaintiff,

-against-

WYETH PHARMACEUTICALS, INC., WALTER :
WARDROP, ANDREW SCHASCHL, and :
MICHAEL McDERMOTT, :

Defendants. :
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05-cv-8106 (RCC)(DFE)

**ATTORNEY'S AFFIRMATION
IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, STEVEN A. MORELLI, affirm under penalty of perjury the following:

1. I am an attorney duly admitted to practice law in the Southern District of New York, and I am of counsel to the law firm of LEEDS MORELLI & BROWN, P.C., attorneys of record for the Plaintiff, HOWARD HENRY. Accordingly, I am fully familiar with the facts and circumstances of this case by virtue of the file maintained by this office.
2. This Affirmation is submitted in opposition to Defendants' Motion for Summary Judgment made pursuant to Fed. R. Civ. P. 56.
3. Upon the annexed exhibits lettered A to C, the Affidavit of Howard Henry sworn to November 27, 2006 and accompanying exhibits numbered 1 to 40, the Affidavit of Daisy Early sworn to November 20, 2006, the Affidavit of Newton Paul sworn to November 21, 2006, all the pleadings in this action, all the proceedings heretofore had, and for the reasons set forth in the accompanying Memorandum of Law, Defendants' motion should be denied in its entirety.

4. Attached hereto as Exhibit A is a true and correct copy of excerpts from the deposition of Howard A. Henry taken on June 12, 2006 in this action.
5. Attached hereto as Exhibit B is a true and correct copy of excerpts from the deposition of Walter Wardrop taken on July 25, 2006 in this action.
6. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition of Michael McDermott taken on July 25, 2006 in this action.

Dated: Carle Place, New York
November 27, 2006



Steven A. Morelli (SM 4721)